



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

December 6, 2005

Mr. David Valenstein
Office of Railroad Development
Federal Railroad Administration
1120 Vermont Avenue (Mail Stop #20)
Washington, DC 20590

Re: Pennsylvania High-Speed Maglev Project, Pittsburgh International Airport to the Greensburg Area, Allegheny and Westmoreland Counties, Draft Environmental Impact Statement Draft 4 (f) Evaluation, September 2005, CEQ #20050415

Dear Mr. Valenstein:

In accordance with the National Environmental Policy Act (NEPA) of 1969 and Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the above referenced project. Based on our review of the DEIS, EPA has rated the environmental impacts of the action as "EC" (Environmental Concerns) and the adequacy of the impact statement as "2" (Insufficient Information). A copy of EPA's ranking system is enclosed for your reference. The detailed basis for these ratings are provided below and contained in the attachment.

Project Description:

The USDOT Magnetic Levitation Transportation Deployment Program administered by the Federal Railroad Administration (FRA), was authorized by the Transportation Equality Act for the 21st Century (TEA 21). The FRA Maglev Deployment Program is an initiative to promote the development and construction of an alternative operating transportation system in the United States, employing a method of transportation utilizing magnetic levitation technology capable of safe use by the public at speeds in excess of 240 miles per hour. Fifty five million dollars in contract authority from the Highway Trust Fund is provided for pre-construction planning of the transportation systems employing Maglev technology. Nine hundred fifty million dollars are also provided for final design and construction of a Maglev project. The portion of the project not covered by federal funding would be covered by various funding sources, including private debt and or/equity, state, local, regional, and other public or private entities.

The purpose of this project is to deploy an alternative mode of transportation using high-speed Maglev technology between Pittsburgh International Airport (PIA) and the Greensburg area. In early 2001, the Pennsylvania High-speed Maglev Project was selected by the FRA for



further study among several other projects. The distance between the PIA and Greensburg is about 54 miles. Construction of the maglev would likely occur through a phased schedule.

Although the project has independent utility, it could form part of a larger interstate transportation system, which could serve Harrisburg, Philadelphia, Erie, PA, and Morgantown, Clarksburg, Charleston, and Wheeling, WV and Cleveland, and Columbus, Ohio, and Buffalo, NY.

Project Need:

In addition to the needs as authorized in TEA 21, the DEIS states that inadequate roadway capacity and, current transportation deficiencies that limit regional mobility and intermodal connectivity are issues that need to be addressed. There is also a need to maintain regional air quality, a need to reduce energy consumption, a need to address safety deficiencies in the project corridor, a need to support comprehensive land use planning and smart growth initiatives, and a need to support economic development efforts in Pittsburgh and the surrounding region.

Alternatives:

Preliminary alternative alignments and passenger station locations were developed and evaluated for each project section, PIA to Downtown Pittsburgh (Section A), Downtown Pittsburgh to Monroeville/Penn Hills Area (Section B) and the Monroeville/ Penn Hills area to Greensburg/ Hempfield area (Section C).

The DEIS evaluates the No Build Alternative, A5-North and South, B4-East and West, C2-Mod, C5 and C6. Roadway improvements to stations are also evaluated. The Environmentally Preferred Build Alternative consists of Alternative Alignments A5-South, B4-West, and C6. Passenger stations are located at the PIA Landside Terminal, nearby at Enlow Road, in Downtown Pittsburgh at Steel Plaza, in the Monroeville/Penn Hills area at Thompson Run, and in the Greensburg/ Hempfield area at the Toll Route 66/ PA Route 166 Interchange.

Daily ridership has been forecasted by MAGLEV, Inc., to be 47,449 trips per day in 2008 (projected to be the first year of operation). The cost of developing the system has been estimated to be \$3.735 billion in year 2003 dollars, including capital costs and associated roadway improvements. Annual fare-box revenues in the initial year are estimated to generate approximately \$88,489,500 in 2008 and approximately \$103,639,500 in 2026. Annual operating and maintenance costs have been estimated to be \$37.33 million.

Impacts:

The preferred alternative is 54 miles long . Environmental impacts for this alternative (including roadway improvements) would include 3 acres of wetlands, 18,569 feet of streams, 558 acres of forest, 676 acres of high priority plant habitat, 83 acres of rangeland, 38 acres of agricultural land. In addition 558 acres of potential bat foraging and roosting habitat would be impacted.

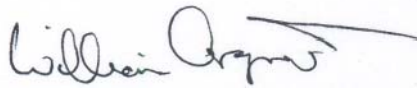


General Comments:

While the DEIS adequately addresses most of the environmental impacts, additional information describing the quality of the land and habitat (surface water, wetland, terrestrial) that is to be impacted and how it fits into the local environment (i.e. is an impacted forest part of a larger tract of forest) should be provided. The information in the DEIS is limited to habitat classification and acreage. This information would provide the reviewer with more information to assess impacts. We also have concerns with the air quality and environmental justice analyses and the disposal of excavated material which are described in the attachment.

Thank you for the opportunity to offer these comments. If you have any questions, please contact Barbara Okorn at (215)814-3330.

Sincerely,

A handwritten signature in black ink, appearing to read "William Arguto", with a long horizontal stroke extending to the right.

William Arguto
NEPA Team Leader

Attachment 1

- Substations are discussed on page 2-13. It is unclear how large the substations are, and if they are in the ROW/footprint for impact assumptions. Any impacts associated with substations should be included in the DEIS.
- The locations for service roads, if any, should be clearly described. It is stated throughout the document that impacts to environmental features would probably be less than described because the alignment is elevated on piers. However, service roads and access points would cause more impacts.
- Page 1-2 should mention EPA's NEPA role, not only 404.
- Page 2-19 discusses utility relocations. Are these impacts included in the DEIS? Additional information should be provided other than the information contained on page 4-244. Depending on the type of utility that needs to be relocated, impacts could be significant.
- Page 4-2 states that Permits granted from various state and federal agencies would be obtained for these activities. Anticipated permits are described based on regulatory requirements as of December 2004. This section should be updated since the DEIS is dated September 2005.

The following comments pertain to the air quality analysis:

- The report is in error in discussing the area's status as a maintenance area for ozone. The area was designated as a basic non-attainment area under the 8-hour ozone standard in June 2004. This section needs to be revised to reflect the correct non-attainment status.
- In addition, the area was designated non-attainment under the PM_{2.5} standard in April 2005. This designation carries with it the requirement that all regionally significant transportation projects included in a Transportation Improvement Program (TIP) and/or Transportation Plan must have a conformity determination under the PM_{2.5} standard by April 2006 or the TIP/Plan will lapse. The report does not discuss this requirement at all and therefore should be revised to include such discussion.
- While the proposed project does have the potential to reduce vehicle miles traveled (VMT) and corresponding emissions, any parking lots/rider drop off facilities associated with any of the MAGLEV stations will have to be included in the regional travel demand model to determine their impacts on VMT and resulting emissions. A discussion of this need should be included in the report.
- The report is lacking a discussion of general conformity which may apply to the project construction related air emissions, since the area is in non-attainment for both ozone and

PM2.5. An analysis of potential air related emissions from the construction associated with project should be done to determine if the project is above or below the general conformity threshold for the non-attainment area.

- For the carbon monoxide (CO) hot-spot analysis, identification of specific potential receptors, i.e. homes, schools, businesses should be included in the report for the areas that were analyzed for CO.

The following comments pertain to natural resources:

- Page 4-19 describes impacts to surface water as a result of construction activities. This section states that headwater streams within proposed cut areas would be permanently impacted. Every effort should be made to avoid impacts to headwater streams as well as other environmental features.
- Section 4.6.1.2 discusses impacts to terrestrial resources. Impacts (such as change in nesting behavior, etc) from noise and vibration to sensitive species should be evaluated.
- Page 4-55 lists courses of action to offset terrestrial impacts. FRA should monitor for invasive species and develop a plan of action in the event that invasive species are encountered per Executive Order 13112.
- Page 4-71 lists the threatened and endangered species coordination letters. These requests should be updated annually at a minimum to ensure that threatened and endangered species issues are addressed.
- FRA should continue to work with the appropriate state and federal agencies to avoid and minimize impacts to the environment and to develop an acceptable mitigation package for all impacts to surface water, wetlands, and terrestrial habitat.

The following comments pertain to environmental justice:

- There is concern for the manner in which the disproportionate impact portion of the assessment was conducted. It does not seem to be reasonable to look at each of the minority groups separately as has been done in this document. The wording in Executive Order 12898 refers to “minority populations and low-income populations”, making no distinction among minority groups. An examination of the history of Environmental Justice, and of the policies and programs that have been implemented over the years, shows no justification for a process in which the various minority groups are examined and or evaluated separately. The analyses conducted provide no justification that could defend a finding of their being a finding of potential disproportionate impact upon an Asian population and no such finding of disproportionate impact upon the corresponding African American Population. In that no data is presented that clearly defines or outlines the actual localization of such communities in any of the areas under examination, and

the analytical methods used do not seem to be able to provide such sensitive analyses, our review can not find that the results of the analyses as stated are supported by fact or verifiable data.

- It is suggested that the analyses be conducted utilizing all of the minority data in one data set. The data provided which gives percentages for the various minority groups is useful information, but in the final analysis should look at the total minority population.
- It is suggested that the Disproportionate Effect Test used be modified in order to look at the total minority population rather than looking at each minority population separately.
- In addition, the Executive Order looks at minority populations and/or low-income populations. Therefore, it should be recognized that either of the criteria need may trigger concern.
- It should also be noted that the reference to disproportionate impacts extends beyond displacements and demographic analyses. Disproportionate impacts extend to environmental exposures to particulate, noise, truck traffic, multiple impacts, and many other conditions. This document should be looking to see if there are or will be potential conditions that will have a disproportionate impact upon the at-risk populations. It is not clear from the information presented that this has been done.
- There are concerns in some of the analyses regarding displacements. For example on page 4-235, we see that in Section C 2 Mod, that 32 percent of the residential displacements would be in minority block groups, and that this percentage was not disproportionate. If the total percentage of minorities in that area is around 15 percent, how can such a statement be justified? When looking at this information throughout the document, it seems that data such as this is overlooked or misinterpreted. All of the information regarding the displacements and disproportionate impacts needs to be reexamined. It does not seem reasonable to assume that displacements of 32 percent of the residences in an area that overall has a make up of 15 percent minority does not represent a disproportionate impact.
- The large numbers of businesses that are displaced or impacted in the study area represent another concern. If large numbers of businesses are impacted in a given section of the study area, will they not have a significant impact upon the communities that they serve? Why are such impacts not considered to be significant? There are areas where 40 percent of the businesses are displaced. Would this not have a direct impact on the portion of the study area where they are located? The statements to the effect that the displacements would impact white and minority businesses equally fails to address the concern that these actions will have an impact on the communities where the businesses are located, as well as on the business owners. This needs careful study and consideration.

- The document has a community involvement plan, but nowhere is there any mention of a plan to address the needs and concerns of minority and low-income residents. Nowhere is there any indication that actions were taken to assure the meaningful participation of the minority and low-income community. There are no mentions of outreach to populations for whom English is a second language, no outreach through Black Churches or other organizations serving the African American community, and there is no indication of any outreach or communication through community based groups and organizations or organizations catering to those outside the mainstream. There needs to be a comprehensive strategy for involving minority and low-income residents in a meaningful way.
- The document needs to go further in characterizing the various communities in the study area. Additional information regarding the character and makeup of the communities would be useful. It would also be helpful if the document provided more specific information as to the location and localization of the minority and low-income communities within the study area. One very rarely finds minority and low-income populations spread evenly throughout a given area. Are there areas within the study area where these populations are centered? Are there easily definable communities within each area that could be identified?
- In summary, this document fails to assess potential impacts upon the populations of concern. Instances where there indeed seem to be potential disproportional impacts are discounted (business impacts for example). The document seems to objectively assess data that would suggest the potential for impacts of concern in specific portions of the study area. It does not seem reasonable for an area where 40 percent of the businesses are impacted to be seen as suffering no significant impacts. It may also be inappropriate to suggest that as long as significant impacts reflect upon both Whites and minority and/or low-income populations that such impacts are OK.
- There seems to be a misapplication of the demographics in the assessment. It is not reasonable or appropriate for the various minority groups to be subdivided and assessed separately as has been done in this document. If there were some compelling reason such as an organized ethnic community (like a China Town) in the area at the site of one of the proposed stations, then such assessment would be more understandable. No evidence has been presented that would indicate that the various minority or low-income populations exist in such circumstances. If they do, that information should be provided. Executive Order 12898 refers to minority populations and low-income populations.
- There is not nearly enough information provided regarding the neighborhoods around each of the proposed stations. Additional information characterizing the communities would be most helpful. The characterization should provide information on the neighborhoods in closest proximity to the site of potential construction, and should provide an accurate snapshot of the areas in question.

- There is not information provided as to what outreach will be done to assure the integration of the citizens living in the impacted areas into the development and revitalization efforts in the area. How will the at-risk residents be drawn into the job market as this development and revitalization occurs?
- Are there impacts associated with the access to the system? Who will it benefit most? Are there issues related to the access of the at-risk population to the system? Will the cost of ridership cause a burden on that population?

The following comments pertain to secondary and cumulative impacts:

- Pages 4-171 to 4-181 should evaluate impacts to the natural environmental as well as the human environment. Secondary and cumulative impacts to surface water, wetlands, terrestrial habitats, air quality, etc that may result should be evaluated .
- The list of projects in the study area should not be limited to those with federal involvement. Other projects could also cause secondary and cumulative impacts and should be included in this section of the DEIS.

Miscellaneous Comments:

- The DEIS fails to identify areas where waste material will be placed as a result of construction of the project. The total estimated volume of excavation waste material for the preferred alternative would be 28,300,000 cubic yards. The disposal of this waste could result in significant environmental impacts. Given the urban land use in the study area, this may result in a significant number of trucks hauling this material through communities to disposal sites. The impacts associated with the hauling and ultimate disposal of this material should be evaluated in the document, since these impacts would not occur if the project is not built. In addition, FRA should coordinate with state and federal agencies to avoid and minimize environmental impacts associated with disposal of this material. It is our opinion that FRA has the ultimate responsibility for the proper disposal of this material, not the contractor, as stated on page 4-245.